

REMARKS

Status of the Claims

Claims 1-9 and 12-19 are pending in this Application.

Claims 1-9 and 12-19 are rejected.

Claims 10-11 have been cancelled, without prejudice.

Claims 20-24 are new.

Claims 1, 13 and 14 have been amended. Support for these amendments can be found throughout the specification, claims, and drawings as originally filed.

Rejection of Claims 1-4, 9, 12, and 15-19 Under 35 U.S.C. § 102(b)

Claims 1-4, 9, 12, and 15-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0032510 to Turnbull (hereafter "Turnbull '510"). The Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection of claims 1-4, 9, 12, and 15-19. Applicant respectfully requests reconsideration of the rejection based on the following remarks.

The law is clear that anticipation requires that a single prior art reference disclose each and every limitation of the claim sought to be rejected. The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers.

The Final Office Action asserts that Turnbull '510 discloses a speaker housing in Figures 17-18, an acoustic port 506, and the two speakers (500,510). The Office Action also asserts that Turnbull '510 discloses that the sound from the speaker (500) exits the acoustic port (506), which is 180 degrees out of phase with the sound generated from the speaker (500), and from speaker (500) is inherently from the rear of the speaker

diaphragm. The Office Action also states that the "sound port (506) rents the outside of the mirror housing and constructs a last bass reflex system," in paragraphs [0222] - [0225] in Turnbull '510.

Applicant has amended claim 1 to include the elements of a closed chamber having a rear wall, said closed chamber inside of and separate from the mirror housing, at least one speaker at least partially positioned in said closed chamber, and a base reflex port extending from said mirror housing into said closed chamber at a distance away from said rear wall of said closed chamber. These elements are not disclosed in Turnbull '510. Turnbull '510 discloses a speaker 500 positioned on the forward-facing surface of the rearview mirror housing 502. ¶ [0222]. Turnbull '510 also discloses the rearview mirror housing 502 further includes an acoustic port 506 disposed on an opposite end from speaker 500. ¶ [0222]. The acoustic port 506 and the speaker 500 are mounted in the mirror housing. *See Figure 17 of Turnbull '510.* The specification of Turnbull '510 does not disclose a closed chamber having a rear wall, said closed chamber inside of and separate from the mirror housing, at least one speaker at least partially positioned in said closed chamber, as well as the elements of a base reflex port extending from said mirror housing into said closed chamber at a distance away from said rear wall of said closed chamber, as required by claim 1.

Furthermore, Turnbull '510 also discloses an alternate internal speaker construction shown in Figure 18. ¶ [0223]. In Figure 18 of Turnbull '510, a second speaker 510 having louvers 512 is utilized in place of acoustic port 506. ¶ [0223]. The second speaker 510 and first speaker 500 shown in Figure 18 of Turnbull '510 are also not partially positioned in a closed chamber, with the closed chamber being inside a mirror housing 502. Clearly, Turnbull '510 fails to disclose a closed chamber inside of and separate from the mirror housing, at least one speaker at least partially positioned

in said closed chamber, and a base reflex port extending from said mirror housing into said closed chamber at a distance away from said rear wall of said closed chamber, as required by claim 1.

In view of the foregoing, the Applicant respectfully submits that claim 1 defines over the art cited by the Examiner, and respectfully requests withdrawal of the rejection. Likewise, claims 2-4, 9, 12, and 15-19, which depend either directly or indirectly from claim 1, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

Applicant has also included new claims 20-24 in this Response. Claims 21 and 22 are dependent claims which are dependent upon new independent claim 20, and claim 24 is a dependent claim which is dependent upon new independent claim 23. Claims 20 and 23 both include the elements of a mirror housing, a closed chamber disposed within the mirror housing, and a bass reflex port extending into the closed chamber, with the bass reflex port being part of a bass reflex system. Applicant submits that these elements are not disclosed in Turnbull '510, and respectfully requests allowance thereof.

Rejection of Claims 5-8, 13, and 14 Under 35 U.S.C. § 103(a)

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turnbull '510 in view of U.S. Patent No. 6,127,919 to Wylin (hereafter "Wylin '919"). Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 5-8.

Establishing a *prima facie* case of obviousness requires that the proposed combination of references teach or render obvious **all** the elements of the rejected claims.

Claim 1, from which rejected dependent claims 5-8 depend, has been amended to include a closed chamber having a rear wall, said closed chamber inside of and separate from the mirror housing, at least one speaker at least partially positioned in said closed chamber, and a base reflex port extending from said mirror housing into said closed chamber at a distance away from said rear wall of said closed chamber. In contrast, the combination of Turnbull '510 in view of Wylin '919 does not teach a closed chamber, much less a bass reflex port. Turnbull '510 shows an acoustic port 506 with nothing that teaches a chamber separate from the mirror housing, much less a bass reflex port extending into the chamber.

Wylin '919 does not fill the void left by Turnbull '510. Wylin '919 fails to teach the combination of a closed chamber separate from the housing along with a bass reflex port extending from the mirror housing to a distance away from the rear wall of the closed chamber. Wylin '919 teaches a depression 48 that is contiguous with, and not separate from the mirror housing. See *Figure 3 of Wylin '919*. Furthermore, the opening created by the depression is filled by the speaker 36, and a bass reflex port would not extend from the mirror housing into the depression 48, since the speaker fills the depression. Furthermore, Turnbull '510 and Wylin '919 do not teach a bass reflex that extends into the closed chamber a distance away from the rear wall of the chamber. Thus claims 5-8, which depend from claim 1, are not rendered obvious by Turnbull '510 in view of Wylin '919.

In view of the foregoing, Applicant respectfully submits that claims 5-8, which include the elements of claim 1, define over the art cited by the Examiner, and respectfully requests withdrawal of the rejection.

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Turnbull '510 in view of U.S. Patent No. 4,871,953 to Anstee (hereafter "Anstee

'953"). The Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 13 and 14.

Claims 13 and 14 are dependent claims which are either directly or indirectly dependent upon independent claim 1. Claim 1 has been amended to include the elements of a closed chamber having a rear wall, said closed chamber inside of and separate from the mirror housing, at least one speaker at least partially positioned in said closed chamber, and a base reflex port extending from said mirror housing into said closed chamber at a distance away from said rear wall of said closed chamber. It has already been shown that these elements are not taught or rendered obvious by Turnbull '510. Therefore, Anstee '953 must make up for the deficiencies of Turnbull '510 to render the present invention obvious, or the rejection will fall.

Anstee '953 teaches a housing 10 of the left hand door mirror encloses two electric motors 12 and 14 arranged to vary the orientation of the reflective member (not shown) about horizontal and vertical axis, respectively. *Col. 1, Lines 62-66*. Each of the motors 12 and 14 is also coupled to drive a respective potentiometer 16,18 which is arranged to provide an analog voltage indicating the orientation of the reflective member about the corresponding axis. *Col. 1, Line 66 - Col. 2, Line 2*. The specification of Anstee '953 is directed towards two potentiometers which change the orientation of a mirror in a mirror housing. There is no mention of speakers of any type in Anstee '953, let alone a closed chamber inside and separate from a mirror housing. Therefore, Turnbull '510 in view of Anstee '953 does not teach or render obvious the elements of a closed chamber having a rear wall, said closed chamber inside of and separate from the mirror housing, at least one speaker at least partially positioned in said closed chamber, and a base reflex port extending from said mirror housing into said closed chamber at a

distance away from said rear wall of said closed chamber, as required by claim 1 of the present invention.

In view of the foregoing, Applicant respectfully submits that claim 1 defines over the art cited by the Examiner, and respectfully requests withdrawal of the rejection. Likewise, claims 13-14, which depend either directly or indirectly from claim 1, further define the invention and define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

Applicant has drafted new claims 20-24 which are directed towards the present invention. New dependent claims 21 and 22 are dependent upon new independent claim 20, and new dependent claim 24 is dependent upon new independent claim 23. Independent claims 20 and 23 include the elements of a mirror housing, with a closed chamber disposed within said mirror housing, and a bass reflex port extending into the closed chamber, with the bass reflex port being part of a bass reflex system. Applicant submits that these elements are not taught or rendered obvious by Turnbull '510 in view of Wylin '919 or Anstee '953. Applicant respectfully requests allowance of claims 20-24.

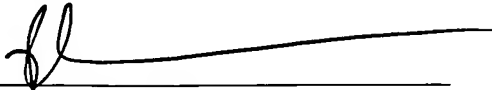
CONCLUSION

It is respectfully submitted that in view of the above amendments and remarks the claims 1-9 and 12-24, as presented, are patentably distinguishable because the cited patents, whether taken alone or in combination, do not teach, suggest or render obvious, the present invention. Therefore, Applicant submits that the pending claims are properly allowable, which allowance is respectfully requested.

The Examiner is invited to telephone the Applicant's undersigned attorney at
(248) 364-4300 if any unresolved matters remain.

Respectfully submitted,

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